

LAWRENCE N. LAVIGNE, ESQ. 005581982
 LAWRENCE N. LAVIGNE, ESQ. L.L.C.
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 Union, NJ 07083
 Tel: (908) 687-7750
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 Attorneys for Plaintiff

ERIN HENDERSON
 Plaintiff,
 v.
 NEW YORK JETS LLC
 Defendants

Superior Court of New Jersey
 Law Division
 MORRIS County
 Docket No: MRS-L-002090-17

SUMMONS

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED ABOVE:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) A \$110.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

September 29, 2017

Michelle M. Smith
 Michelle M. Smith, Clerk

Name of Defendant to be Served:

NEW YORK JETS LLC

Address for Service:

1 Jets Way
 Florham Park, New Jersey 07932

COUNTY	ADDRESS	LAWYER REFERRAL	LEGAL SERVICES
Atlantic	Atlantic Cty. Civil Courthouse 1201 Bacharach Blvd., 1st Fl. Atlantic City, NJ 08401	(609) 345-3444	(609) 348-4200
Bergen	Justice Center 10 Main Street, Room 121 Hackensack, NJ 07601-0769	(201) 488-0044	(201) 487-2166
Burlington	Court Complex First Floor 49 Rancocas Road Mt. Holly, NJ 08060	(609) 261-4862	(609) 261-1088
Camden	Hall of Justice 101 S. Fifth Street Suite 150 Camden, NJ 08103	(856) 964-4520	(856) 964-2010
Cape May	Law Division: Cape May Court House 9 N. Main Street Cape May, NJ 08210	(609) 463-0313	(609) 465-3001
Cumberland	Court House Direct Filing Broad & Fayette Streets P.O. Box 615 Bridgeton, NJ 08302	(856) 692-6207	(856) 451-0003
Essex	113 Essex County Courts Bldg 50 W. Market Street Newark, NJ 07102	(973) 622-7753	(973) 824-3000
Gloucester	Court House First Floor 1 North Broad Street P.O. Box 881 Woodbury, NJ 08096 (856) 853-3250	(856) 848-4589	(856) 848-5360
Hudson	595 Newark Avenue Jersey City, NJ 07306	(201) 798-2727	(201) 792-6363
Hunterdon	County Justice Center 65 Park Avenue P.O. Box 728 Flemington, NJ 08822	(908) 735-2611	(908) 782-7979
Mercer	175 S. Broad Street 2nd Floor, P.O. Box 8068 Trenton, NJ 08650-0068	(609) 585-6200	(609) 695-6249
Middlesex	Law Division – Courthouse	(732) 828-0053	(732) 249-7600

	1 JFK Square P.O. Box 964 New Brunswick, NJ 08903-0964		
Monmouth	Court House 71 Monument Park P.O. Box 1260 Freehold, NJ 07728-1260	(732) 431-5544	(732) 866-0022
Morris	Mail: P.O. Box 910 Washington & Court Streets Morristown, NJ 07963-0910	(973) 267-5882	(973) 285-6911
Ocean	118 Washington Street P.O. Box 2191 Toms River, NJ 08754	(732) 240-3666	(732) 341-2727
Passaic	Court House 77 Hamilton Street Paterson, NJ 07505	(973) 278-9223	(973) 345-7171
Salem	92 Market Street P.O. Box 29 Salem, NJ 08079	(856) 935-5629	(856) 964-2010
Somerset	20 N. Bridge Street, 3rd Floor P.O. Box 3000 Somerville, NJ 08876	(908) 685-2323	(908) 231-0840
Sussex	Sussex County Judicial Center 43-47 High Street Newton, NJ 07860	(973) 383-7400	
Union	2 Broad Street Elizabeth, NJ 07207-6099	(908) 353-4715	(908) 354-4340
Warren	Court House 413 Second Street Belvidere, NJ 07823		(908) 475-2010

Lawrence N. Lavigne, Esq. (005581982)
LAWRENCE N. LAVIGNE, ESQ. LLC
 2444 Morris Avenue, Suite 206
 Union, New Jersey 07083
 (908) 687-7750
 Attorneys for Plaintiff Erin Henderson

ERIN HENDERSON,	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION – MORRIS COUNTY
v.	:	DOCKET NO.
NEW YORK JETS, LLC,	:	Civil Action
Defendant	:	COMPLAINT AND JURY DEMAND

PRELIMINARY STATEMENT

Plaintiff Erin Henderson (hereinafter “Plaintiff” or “Henderson”) brings this action under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (“NJLAD”) against his former employer, defendant, New York Jets, LLC (hereinafter “Defendant” or the “Jets”) on the grounds that it discriminated against him on the basis of disability. Defendant also failed to accommodate Plaintiff’s disability and wrongfully terminated his employment. Defendant failed to have effective policies and procedures to protect employees from discrimination.

PARTIES

1. Plaintiff, an individual, is currently residing in California.
2. At all relevant times hereto, Plaintiff was and still is a citizen of the State of Minnesota.
3. At all relevant times hereto, Plaintiff maintained a residence in Union, New Jersey.
4. Defendant, a business entity, conducts business at One Jets Drive, Florham Park, New Jersey 07932.

FACTS COMMON TO ALL COUNTS

5. Defendant owns and operates "New York Jets," a member of the National Football League ("NFL").

6. Plaintiff is a professional football player.

7. At all relevant times hereto, Defendant employed Plaintiff in the position of linebacker from April 2015 through March 2017.

8. At all relevant times hereto, Plaintiff suffered from bi-polar disorder.

9. At all relevant times hereto, Plaintiff was treated for his bi-polar disorder by a physician hired by Defendant, Dr. Derek Suite, located in Bronx New York.

10. Upon information and belief Dr. Suite is Team Psychiatrist for Defendant.

11. Plaintiff was told to treat with Dr. Suite by Dave Zott, who, upon information and belief, was the Director of Player Development for Defendant at the time.

12. Dr. Suite prescribed medications, including Seroquel, to Plaintiff to control the bi-polar disorder.

13. Dr. Suite acted on behalf of Defendant in terms of treating Plaintiff's bi-polar disorder.

14. At all relevant times hereto, Defendant had knowledge of Plaintiff's bi-polar disorder.

15. Plaintiff discussed his disability with representatives of Defendant including, but not limited to, Todd Bowles, the Head Coach for Defendant, Mr. Szott and Bobby Mastrodi. Other upper management personnel including, but not limited to, Mike Maccagnan, Jacqueline Davidson, and Mike Caldwell knew about Plaintiff's condition.

16. Plaintiff and Defendant entered into a contract, which provided that Plaintiff would play for the Jets for the 2016 season with an option for the 2017 season.

17. According to the contract, Plaintiff was to be paid \$2,250,000.00 for the 2017 season.

18. According to the contract, Plaintiff would be entitled to various bonuses bringing his total potential compensation for the year to \$2,500,000.00.

19. On October 22, 2016 without forewarning or explanation Defendant placed Plaintiff on the Non-Football Injury list ("NFI").

20. By suddenly placing Plaintiff on the NFI list, Defendants deprived Plaintiff of income of \$580,781.00 for the remaining games of the 2016 season.

21. In February 2017, Defendant declined Plaintiff's option effectively terminating his employment with the Jets.

22. By placing Plaintiff on the NFI list, Defendant avoided paying Plaintiff the promised salary and bonuses for the 2017 season.

23. Defendant placed Plaintiff on the NFI list a few days before it was obligated to pay Plaintiff a \$250,000.00 roster bonus.

24. During his last two games of the 2016 season (against Pittsburgh and Arizona) and before he was inexplicably placed on the NFI list, Plaintiff led the team in tackles.

COUNT I

(New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to 42 – Adverse Employment Action/Wrongful Termination)

25. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

26. The NJLAD prohibits, discrimination based on one's disability (among other protected classes).

27. As a result of Plaintiff disability, Plaintiff's employment was wrongfully

terminated by Defendant.

28. Plaintiff would not have been fired by Defendant but for Plaintiff's disability.

29. Because of the involvement of members Upper Management, Defendants are liable for punitive damages.

30. As a direct and proximate result of Defendant's discriminatory actions, Plaintiff has suffered economic and emotional damages.

WHEREFORE, Plaintiff demands that a judgment be entered against Defendants awarding i) compensatory and punitive damages; ii) reasonable attorney's fees and expenses pursuant to N.J.S.A. § 10:5-27.1; and iii) such other relief as this Court deems just and proper.

COUNT II

(New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to 42 – Adverse Employment Action/Wrongful Termination/Pretextual Reasons)

31. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

32. Defendant placed Plaintiff on the NFI list without forewarning.

33. Defendant placed Plaintiff on the NFI list without explanation.

34. Defendant placed Plaintiff on the NFI list as a result of his disability which was being treated by a physician retained by Defendants.

35. By contending that Plaintiff suffered a non-football injury Defendants avoided their obligation to pay Plaintiff \$2,500,000.00 for the 2017 season, \$250,000.00 roster bonus and \$580,781.00 remaining 2016 salary.

36. Placing Plaintiff on the NFI for undisclosed reasons was pretext for violating the NJLAD.

37. As a direct and proximate result of Defendant's discriminatory actions, Plaintiff

has suffered economic and emotional damages.

38. Because of the involvement of members Upper Management, Defendants are liable for punitive damages.

WHEREFORE, Plaintiff demands that a judgment be entered against Defendants awarding i) compensatory and punitive damages; ii) reasonable attorney's fees and expenses pursuant to N.J.S.A. § 10:5-27.1; and iii) such other relief as this Court deems just and proper.

COUNT III

(New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 to 42 – Hostile Work Environment)

39. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

40. NJLAD prohibits, discrimination based on one's disability (among other protected classes).

41. The discrimination to which Plaintiff was subject, as further described above was sufficiently severe or pervasive that a reasonable person would have deemed it to be hostile, abusive, intimidating, or offensive.

42. This discrimination would not have occurred but for Plaintiff's disability.

43. Defendant failed to take appropriate measures to put an end to the hostile work environment or the discrimination outlined herein.

44. In addition, Defendant failed to combat the creation of a hostile work environment by, *inter alia*, failing to enact reasonable policies and procedures and to maintain effective sensing or monitoring mechanisms to check the trustworthiness of its policies and complaint structures.

45. This failure to provide proper policies and failure to maintain effective sensing or

monitoring mechanisms is evidenced by, the above, Defendant's pervasive inappropriate conduct toward Plaintiff.

46. The above-described actions constitute unlawful employment actions in violation of NJLAD including, *inter alia*, N.J.S.A. § 10:5-12a.

47. In taking action or failure to take required actions that they knew were a breach of Defendant's duty under NJLAD, Defendant is liable to Plaintiff under NJLAD.

48. As a direct and proximate result of Defendant's discriminatory actions, Plaintiff has suffered economic and emotional damages.

49. Because of the involvement of members Upper Management, Defendants are liable for punitive damages.

WHEREFORE, Plaintiff demands that a judgment be entered against Defendants awarding i) compensatory and punitive damages; ii) reasonable attorney's fees and expenses pursuant to N.J.S.A. § 10:5-27.1; and iii) such other relief as this Court deems just and proper.

COUNT IV
(False Light and Damage To Reputation and Career)

50. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

51. Prior to signing with the Jets, Plaintiff underwent rehabilitation for alcohol abuse.

52. Plaintiff's history was well known to Defendants when they hired him.

53. Plaintiff's history was a known fact in the NFL.

54. In placing Plaintiff on the NFI list without providing a specific reason for doing so, Defendants created the appearance that Plaintiff's NFI was alcohol related.

55. Defendant's failure to specify the basis for placing Plaintiff on the NFI list

perpetuated the perception in the NFL that it was due to alcohol abuse and casted Plaintiff in a negative false light.

56. As a result of Defendant casting Plaintiff in a negative false light, Plaintiff suffered damage to his reputation.

57. As a result of the damage to Plaintiff's reputation caused by Defendants wrongful acts, other teams in the NFL have refused to hire Plaintiff, essentially, ruining his career.

58. As a result thereof, Plaintiff has suffered severe economic and emotional distress injuries.

59. Because of the involvement of members Upper Management, Defendants are liable for punitive damages.

WHEREFORE, Plaintiff demands that a judgment be entered against Defendants awarding i) compensatory and punitive damages; ii) reasonable attorney's fees and expenses pursuant to N.J.S.A. § 10:5-27.1; and iii) such other relief as this Court deems just and proper.

COUNT V
(Intentional Infliction of Emotional Distress)

60. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

61. The above-stated conduct of Defendants far exceeded all bounds tolerated by any reasonable person.

62. The said conduct of Defendant was, especially calculated to and caused Plaintiff severe mental distress.

63. The behavior and actions/inaction of Defendant was willful wanton and egregious.

64. Plaintiff suffered due to the offensive and illegal behavior of Defendant. Any

alleged legitimate business reason for such treatment offered by Defendants is pretext.

65. Because of the involvement of members Upper Management, Defendants are liable for punitive damages

WHEREFORE, Plaintiff demands that a judgment be entered against Defendants for i) compensatory and punitive damages; ii) reasonable attorney's fees and expenses pursuant to N.J.S.A. § 10:5-27.1; and iii) such other relief as this Court deems just and proper.

COUNT VI
(Punitive Damages)

66. Plaintiff hereby repeats and realleges all of the allegations set forth above as if set forth at length herein.

67. All of Defendant's acts, actions and behavior as outlined above were willful, wanton and egregious.

68. Plaintiff's suffered injury as a result of the conduct of Defendant.

69. Because of the involvement of members Upper Management, Defendants are liable for punitive damages

70. Defendants are liable to Plaintiff for punitive damages.

WHEREFORE, Plaintiff demands that a judgment be entered against Defendants for i) punitive damages; ii) reasonable attorney's fees and expenses pursuant to N.J.S.A. § 10:5-27.1;

NOTICE PURSUANT TO RULES 1:5-1(a) & 4:17-4(c)

TAKE NOTICE that the undersigned attorneys, counsel for this Plaintiff, do hereby demand, pursuant to Rules 1:5-1(a) and 4:17-4(c) that each party herein serving pleadings and interrogatories and receiving answers thereto serve copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other material referred to therein, upon the undersigned attorney and TAKE NOTICE that this is a continuing demand.

DEMAND FOR TRIAL BY JURY

The Plaintiff hereby demands a trial by a jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that pursuant to R. 4:25-4, Lawrence N. Lavigne, Esq. is hereby designated as trial counsel in the within captioned matter.

LAWRENCE N. LAVIGNE, ESQ. L.L.C.
Attorneys for Plaintiff

By: 
LAWRENCE N. LAVIGNE

Dated: September 26, 2017

CERTIFICATION

I hereby certify pursuant to R. 4:5-1 that, to my present knowledge, the matter in controversy is the not the subject of any other action. I further certify that, to my present knowledge, no other party should be joined in the within action at this time, however, we are still reviewing this matter to determine if additional parties should be joined. This is to further certify that the within pleading has been served within the time provided by the Rules governing the Courts of the State of New Jersey.

CERTIFICATION OF OTHER MATTERS

None.

LAWRENCE N. LAVIGNE, ESQ. L.L.C.
Attorneys for Plaintiff

By:


LAWRENCE N. LAVIGNE

Dated: September 26, 2017

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-002090-17

Case Caption: HENDERSON ERIN VS NY JETS, LLC

Case Initiation Date: 09/29/2017

Attorney Name: LAWRENCE N LAVIGNE

Firm Name: LAWRENCE N LAVIGNE ESQ LLC

Address: 2444 MORRIS AVE STE 206

UNION NJ 070835918

Phone:

Name of Party: PLAINTIFF : Henderson, Erin

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

09/29/2017

Dated

/s/ LAWRENCE N LAVIGNE

Signed

LAWRENCE N. LAVIGNE, ESQ., L.L.C.

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Union, New Jersey 07083
Telephone (908) 687-7750
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Lawrence N. Lavigne*
Admitted in N.J. & N.Y.

Jignesh J. Shah
Of Counsel

*Certified by the New Jersey
Supreme Court as a
Civil Trial Attorney

October 3, 2017

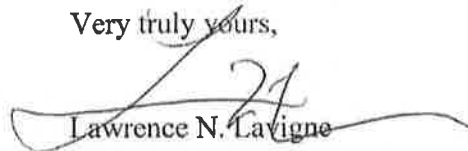
NY Jets, LLC
1 Jets Way
Florham Park, New Jersey 07932

Re: Erin Henderson v NY Jets, LLC
Docket No. MRS-L-2090-17

Dear Sir or Madame:

The undersigned represents Erin Henderson in the above cited lawsuit. According to our process server, NY Jets LLC was served with the summons and complaint on September 29, 2017. At that time, the Track Assignment Notice ("TAN") had not be prepared by the court. We serve the TAN herewith.

Very truly yours,



Lawrence N. Lavigne

CC: E. Henderson

MRS L 002090-17 09/30/2017 5:06:56 AM Pg 1 of 1 Trans ID: LCV2017269725

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN NJ 07960

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 656-4100
COURT HOURS 8:30 AM - 4:30 PM

DATE: SEPTEMBER 29, 2017
RE: HENDERSON ERIN VS NY JETS, LLC
DOCKET: MRS L -002090 17

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON STUART A. MINKOWITZ

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 656-4106.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.

PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: LAWRENCE N. LAVIGNE
LAWRENCE N LAVIGNE ESQ LLC
2444 MORRIS AVE STE 206
UNION NJ 07083-5918

ECOURTS